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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,819	03/30/2001	Michael Kirkwood	50325-0528	6610
29989	7590	06/14/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 1600 WILLOW STREET SAN JOSE, CA 95125			GODDARD, BRIAN D	
		ART UNIT	PAPER NUMBER	
		2171	6	
DATE MAILED: 06/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/823,819	KIRKWOOD ET AL. 
	Examiner	Art Unit
	Brian Goddard	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-57 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4.5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor (specifically the second named inventor, Sima Yazdani). A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of its undue length (greater than 150 words). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 4-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, claims 4-45 are directed to "a method of processing enterprise data" which amounts to nothing more than a mere manipulation of data in the form of abstract ideas (concepts) without any limitation to a practical, tangible and concrete application. This method of manipulating data cannot be classified into any of the four categories of statutory subject matter.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,327,593 to Goiffon in view of U.S. Patent No. 6,519,588 to Leschner.

Referring to claim 1, Goiffon discloses a method of responding to a request for data as claimed. See Figures 1-7 and the corresponding portions of Goiffon's specification for this disclosure. Goiffon teaches a method [See e.g. Fig. 5] of responding to a request for data from a terminal [100] operated by an enterprise [See Background & Summary], the request based on an enterprise-specific vocabulary [See Figs. 2-4 & 6-7] of names [concepts, words & word variants] and relationships among the names [See Figs. 2-4], the names naming enterprise products and services and activities and data [See Background, Summary and Figs. 2-4 & 6-7], the method comprising the steps of:

generating and storing [See Figs. 1-4] a first concept [e.g. 202, 204, 206, 208] in association with a first relationship [See Figs. 2-4] of a first relationship type [parent/child/shared child (hierarchical)] and a second relationship [e.g. 400, 402, 404] of a second relationship type [cross-links to other concepts]; and

responding [Steps 506-522] to the request [500] based on the first concept and
the second relationship [See above],

wherein,

the first concept is one of a plurality of atomic concepts [See Figs. 2 & 4]

among names in the enterprise-specific vocabulary [See above],

the first concept is associated with a first category [Domain 200 (e.g.

Banking or Accounting)] of a plurality of categories [Domains &

Assets] that encompass the enterprise-specific vocabulary,

the first relationship type relates at least two concepts of the plurality of

atomic concepts associated with the first category [See Figs. 2 & 4],

and

the second relationship type relates at least one of the two concepts

related by the first relationship with at least one different concept of

the plurality of atomic concepts [See Figs. 2 & 4].

Goiffon does not explicitly state that the terminal is a "server" operated by an enterprise "on a network" as claimed. However, Goiffon does describe the importance of the Internet and corporate intranets in the Background of the Invention section, setting the tone for the purpose and description of the invention. This provides direct suggestion for making Goiffon's Data Processing System / Terminal (100) a server operated by the enterprise on a network connecting to the User Interface 106.

Leschner discloses a system and method similar to that of Goiffon, wherein enterprise(s) operate servers [10] on a network [See Fig. 1] to allow access to the concepts and relationships.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Goiffon's Data Processing System (100) as a server on a network, such as that indicated in Leschner's disclosure, to obtain the invention as claimed. One would have been motivated to do so because of Goiffon's direct suggestion as mentioned above.

Referring to claim 2, the system and method of Goiffon in view of Leschner as applied to claim 1 above discloses the invention as claimed. See the discussion regarding claim 1 above as well as the portions of Goiffon and Leschner cited therein for the details of this disclosure. Specifically, Goiffon's (as modified by Leschner) concepts within the plurality of categories [Domains & Assets] are related by the first and second relationship types as claimed.

Referring to claim 3, the system and method of Goiffon in view of Leschner as applied to claim 2 above discloses the invention as claimed. See the discussions regarding claims 1-2 above as well as the portions of Goiffon and Leschner cited therein for the details of this disclosure. Goiffon v. Leschner teaches the method of claim 2, as above, wherein the first category [200] is a services category [concepts of Banking Services for example] and the second category [300] is a products category [application program products for example].

Claims 4-5 are rejected on the same basis as claim 1 above. See the discussion regarding claim 1 for the details of this disclosure.

Referring to claims 6-10, the system and method of Goiffon in view of Leschner as applied to claim 4 above discloses the invention as claimed. See Figures 2-4 and the corresponding portions of Goiffon's specification for this disclosure. Goiffon's (as modified by Leschner) concept relationships form hierarchies having the categories, concepts, relationships and relationship types structured as in the claims.

Referring to claim 11, the system and method of Goiffon in view of Leschner as applied to claim 4 above discloses the invention as claimed. Goiffon is silent on the physical/logical implementation of storing the concepts and relationships within the system, other than to say they are stored in the repository 104. However, Goiffon does allude to the usage of databases throughout the specification, specifically in referring to Figures 4-8. Leschner's concepts and relationships are stored in a relational database as claimed. See Figure 4 and the corresponding portions of Leschner's specification for this disclosure. In using Leschner's server/networking technology to implement Goiffon's system (as above), it would have been obvious to one of ordinary skill in the art at the time the invention was made to store Goiffon's concepts and relationships in a relational database such as that of Leschner to obtain the invention as claimed. One would have been motivated to do so to ameliorate Goiffon's silence on implementation, and one would have been motivated to choose Leschner's implementation because of its ease of usage/programming and efficiency disclosed by Leschner.

Referring to claims 12-13, the system and method of Goiffon in view of Leschner as applied to claim 11 above discloses the invention as claimed. See the discussion regarding claims 4 and 11 above for the details of this disclosure, referencing Leschner's disclosure of Figure 4 as below. Goiffon's (as modified by Leschner) concepts are stored as records [108] in a first data store table [Concepts Table 100], said records including concept name fields [104] for storing the names of the concepts and said records associated with the first category [See above] as claimed.

Referring to claims 14-19, the system and method of Goiffon in view of Leschner as applied to claim 11 above discloses the invention as claimed. See the discussion regarding claims 4 and 11 above for the details of this disclosure, referencing Leschner's disclosure of Figure 4 as below. Goiffon's (as modified by Leschner) relationships are stored as records [122] in a relationship data store table [Relationships Table 120], said records including a relationship type field [128], a participant field [124], and a relationship identification field [132] as claimed.

Referring to claim 20, the system and method of Goiffon in view of Leschner as applied to claim 15 above discloses the invention as claimed. See Figure 4 and the corresponding portion of Leschner's specification, as well as the above-cited portions of Goiffon, for the details of this disclosure. Goiffon v. Leschner teaches the method of claim 15, wherein a name of a role for the first concept is stored in a role field [126] in the record in the relationship participant data store table [120] as claimed.

Referring to claim 21, the system and method of Goiffon in view of Leschner as applied to claim 11 above discloses the invention as claimed. See the discussion

regarding claims 4 and 11 above for the details of this disclosure, referencing Leschner's disclosure of Figure 4 as below. Goiffon v. Leschner teaches the method of claim 4, as above, wherein one or more attributes [102-106 or 124-132]...are stored in an attributes data store table [100 or 120] as claimed.

Referring to claims 22-24, the system and method of Goiffon in view of Leschner as applied to claim 4 above discloses the invention as claimed. See Figures 2-7 and the corresponding portions of Goiffon's specification for the details of this disclosure.

Goiffon v. Leschner teaches the method of claim 4, as above, further comprising generating and storing a rule associated with at least one of the relationship types [user generates a new relationship or modifies an existing relationship], wherein the rule constrains a second concept which may be related to the first concept [See Figs. 2-4], and wherein the rule is stored in a relational database table [See Claim 11 above] as claimed.

Claim 25 is rejected on the same basis as claim 4, in light of the basis for claim 2 above. See the discussions regarding claims 1, 2 and 4 for the details of this disclosure.

Claims 26-45 are rejected on the same basis as claims 5-24 respectively, in light of the basis for claim 25. See the discussions regarding claims 1-25 above for the details of this disclosure.

Claims 46, 50 and 54 are rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 47, 51 and 55 are rejected on the same basis as claim 2. See the discussion regarding claim 2 above for the details of this disclosure.

Claims 48, 52 and 56 are rejected on the same basis as claim 4. See the discussion regarding claim 4 above for the details of this disclosure.

Claims 49, 53 and 57 are rejected on the same basis as claim 25. See the discussion regarding claim 25 above for the details of this disclosure.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Nos. 6,556,982 to McGaffey et al. and 5,752,023 to Choucri et al. are each considered particularly pertinent to applicants' claimed invention.

The remaining prior art of record is considered pertinent to applicants' disclosure, and/or portions of applicants' claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 703-305-7821. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2171

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
08 June 2004



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